

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BOMBARDIER INC.,

Plaintiff,

v.

mitsubishi aircraft corporation,
mitsubishi aircraft corporation
america inc., aerospace testing
engineering & certification inc.,
michel korwin-szymanowski,
laurus basson, marc-antoine
delarche, cindy dorn  val, keith
ayre, and john and/or jane does 1-
88,

Defendants.

No. 2:18-cv-01543-JLR

BOMBARDIER INC.'S
RESPONSE TO AEROSPACE
TESTING ENGINEERING &
CERTIFICATION, INC., MICHEL
KORWIN-SZYMANOWSKI,
LAURUS BASSON, AND CINDY
DORNEVAL'S MOTION FOR
CLARIFICATION OF COURT'S
ORDER ON MOTIONS TO
DISMISS

**NOTE ON MOTION
CALENDAR:
MAY 17, 2019**

1 Plaintiff Bombardier Inc. (“Bombardier”) respectfully submits this response to
 2 Defendants’ Aerospace Testing Engineering & Certification, Inc. (“AeroTEC”), Michel
 3 Korwin-Szymanowski, Laurus Basson, and Cindy Dornéval (collectively, the “AeroTEC
 4 Defendants”) Motion for Clarification, Dkt. No. 140 (“Motion”).

5 The AeroTEC Defendants submit that four statements in this Court’s recent Order on
 6 Defendants’ Motion to Dismiss, Dkt. No. 136 (the “Order”) “may be construed as adjudicated
 7 facts, conclusions of law, or a binding determination that the documents at issue in this case
 8 are or contain trade secrets.” Motion at 2. The statements at issue are: 1) “Nor do the parties
 9 challenge that the documents are, in fact, trade secrets,” 2) “It is undisputed that Ms. Dornéval
 10 successfully transmitted some trade secrets to herself,” 3) “[T]he court also finds that
 11 AeroTEC acquired and/or used Bombardier’s trade secrets,” and 4) “Mr. Basson did not
 12 already possess these documents *as an* employee.” *See* Order at 13, 23, 26, 30.

13 Bombardier disagrees that the language identified by the AeroTEC Defendants is
 14 ambiguous or that the Court’s Order needs clarification. The Order’s conclusions are all
 15 based upon whether Bombardier “plausibly alleged” the claims it set out in its Complaint
 16 (Dkt. No. 1). While the AeroTEC Defendants complain that their reputation may be damaged
 17 by news publications’ reporting on the Court’s findings, those publications’ interpretation of
 18 the Order should have no bearing on this Court’s legal determinations. *See* Motion at 2 n. 1.

19 Bombardier respectfully asks the Court to deny the AeroTEC Defendants’ Motion.

20
 21 Dated this 13th day of May, 2019.

22
 23 CHRISTENSEN O’CONNOR
 24 JOHNSON KINDNESS^{PLLC}

25 s/ John D. Denkenberger
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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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